

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

Barbara Staples, Personal Representative of
the Estate of Daniel Staples,

Plaintiff,

vs.

Bradley C. Thaemert, M.D., and the
Surgical Institute of South Dakota, a
South Dakota corporation,

Defendants.

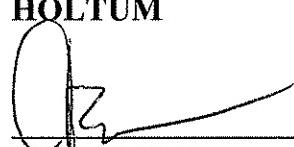
Case No. 09-4090

JOINT MOTION FOR DISMISSAL

Plaintiff, by and through her counsel of record, James E. Malters of Malters,
Shepherd & Von Holtum and William J. Maddix, Chris A. Messerly and Genevieve M.
Zimmerman and Robins Kaplan Miller & Ciresi LLP, and Defendants, by and through
their counsel of record, Mark W. Haigh and Davenport, Evans, Hurwitz and Smith,
L.L.P., hereby stipulate and agree to the dismissal on the merits with prejudice of the
above-entitled action and hereby dismiss the same, each party to bear its own costs,
expenses, and attorneys' fees.

Dated at Worthington, Minnesota, this 29 day of December, 2010.

**MALTTERS, SHEPHERD & VON
HOLTUM**


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AND

**ROBINS KAPLAN MILLER & CIRESI,
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Attorneys for Plaintiff

Dated at Sioux Falls, South Dakota, this 5 day of January, 2011.

**DAVENPORT, EVANS, HURWITZ &
SMITH, L.L.P.**



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